

Scalia suggests black students better served at 'slower-track' schools

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The Democratic leader also compared **Scalia's** comments to those made by Republican presidential candidate Donald Trump throughout his campaign, insisting "the only difference between the ideas endorsed by Trump and Scalia is that Scalia has a robe and a lifetime appointment".

Conservative Supreme Court Justice Antonin Scalia thinks Black students are too "slow" to attend elite universities, and belong in academic programs for people that are "slower".

GARRE: This Court heard and rejected that argument, with respect, Justice **Scalia**, in the *Grutter* case[which said universities may consider race in a limited way because they have a compelling interest in creating diverse student bodies], a case that our opponents haven't asked this Court to overrule. He pointed to the precedent of the University of California, where the number of Black students fell after the state banned race-conscious admissions.

"It's just vital to allow universities to select the students that they think together will make the most educationally interesting class for all the students who are there", Sims said.

Yes, this actually happened. Under Alito's assumption, diversity at the university level is, she said, "totally dependent upon having racially segregated neighborhoods, racially segregated schools, and it operates as a disincentive for a minority student to step out of that segregated community and attempt to get an integrated education".

In a sometimes-heated argument Wednesday that ran more than 30 minutes beyond its allotted hour, the court's liberal wing defended the University of Texas program as a means of fostering diversity. Ruling 7 to 1, the court in 2013 found that the U.S. Court of Appeals for the Fifth Circuit had erred in not applying "strict scrutiny" to the policies of UT Austin. Justice Anthony M. Kennedy, whom supporters of affirmative action hope to sway despite his past skepticism on the consideration of race by schools and colleges, didn't really tip his hand. "It's a throwback...to a time that America left behind a half a century ago".

Most observers saw three possible lines of actions, based on the long run-up to the arguments and some of the Justice's comments.

In fact, **Scalia** suggested that attaining a racial preference in admissions might even be detrimental to some minority students. The case, Fisher v. University of Texas at Austin, involves a white woman who was not admitted to the college.

Fisher's legal team argued eliminating race as a factor would create more diversity. "*Maybe it ought to have fewer*", **Scalia** continued.

With no clear decision apparent after Wednesday's latest arguments, Kennedy hinted that he might be in favor of sending the case back for a third *time* to a lower court.

Systemwide, the University of California has maintained diversity, said Andrew Grossman with the Cato Institute.